

The Legal News.

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CONSTITUTIONAL CASES BEFORE THE PRIVY COUNCIL.

The following is a list of cases involving questions as to the respective powers of the Dominion Parliament and of the local legislatures decided up to the present time, indicating where reported:—

The Queen & Coots, 11 March, 1873, L.R. 4 P. C. 599, 18 L. C. J. 103.

L'Union St. Jacques & Belisle, 8 July, 1874, L. R. 6 P. C. 31, 20 L. C. J. 29.

Dow & al. & Black & al., 5 March, 1875, L. R. 6 P. C. 272.

The Attorney-General for the Province of Quebec & The Queen Insurance Company, 5 July, 1878, 3 H. of L. & P. C. 1090, 22 L. C. J. 307, 1 Leg. News, 410.

Valin & Langlois, 13 December, 1879, 5 H. of L. & P. C. 115; 3 L. N. 38.

Bourgoin & La Cie. du Chemin de fer, 26 February, 1880, 5 H. of L. & P. C. 381, 24 L. C. J. 193, 3 Leg. News 178.

Cushing & Dupuy, 15 April, 1880, 5 H. of L. & P. C. 409, 24 L. C. J. 151, 3 Leg. News, 171.

The Citizens' Insurance Company & Parsons. The Queen's Insurance Company & Parsons, 26 November, 1881, 7 H. of L. & P. C. 96, 5 Leg. News, 25.

Dobie & The Board of Temporalities, 21 January, 1882, 7 H. of L. & P. C. 136, 26 L. C. J. 170, 5 Leg. News, 58.

The Western Counties Railway Company & The Windsor & Annapolis Railway Company, 22 February, 1882, 7 H. of L. & P. C. 178. **NOTE.**—In this case the question of respective powers was raised, but was not adjudicated upon by the P.C.

Russell & The Queen, 23 June, 1882, 7 H. of L. & P. C. 829, 5 Leg. News, 234.

The Attorney-General of the Province of Quebec & Mercer, 8 H. of L. & P. C. 767; 6 Leg. News, 244.

The Colonial Building & Investment Association & The Attorney-General of the Province of Quebec, 1 December, 1883, 7 Leg. News, 10.

Hodge & The Queen, 15 December, 1883. 7 Leg. News, 18.

NOTES OF CASES.

COURT OF QUEEN'S BENCH.

MONTREAL, December 21, 1883.

DORION, C. J., RAMSAY, TESSIER, CROSS, BABY, JJ.

Ross et vir (defts. below), Appellants, and Ross et vir (plffs. below), Respondents.

Executor—Removal for cause.

An executrix appointed her husband her attorney to manage the estate, and he made a lease which, in the opinion of the Court, was disadvantageous to the estate and for the purpose of deriving an unfair advantage, and also received bonuses on several occasions without accounting for them. Held, sufficient ground for removal of the executrix from office.

The appeal was from a judgment of the Superior Court removing an executrix. See 5 L. N. 197 for judgment in the Court below.

RAMSAY, J. This is an action to set aside an executrix. The appellant is the sole surviving executrix of the will of the late John Ross, and the appellant and the respondent are the remaining legatees under the will.

The complaint of the respondent is:—1. That appellant had given a power of attorney to her husband to manage the estate in violation of the terms of the will.

2nd. Fraud in charging the estate with sums not legally chargeable to the estate, in charging a commission to remunerate her husband for the management of the estate while paying one Tuggey a commission for the same services, in taking bonuses for leases granted, to wit, from Stearns and Murray \$500, and from Hart and Tuckwell \$500, —in making a fraudulent lease to one Miss Cressy at a notoriously insufficient rent, to the injury of the estate,—in agreeing to pay \$1200 to Hart and Tuckwell for the cancellation of the lease of part of the estate.